

**UNITED STATES DISTRICT COURT**  
**DISTRICT OF NEVADA**

Charles O. Ajuziem,  
 Plaintiff

v.

Thomas Profit, et. al,  
 Defendants

2:13-cv-01279-JAD-NJK

**Order Adopting Report and  
 Recommendation and Dismissing Case**

[ECF 42]

After his application to proceed *in forma pauperis* was denied, plaintiff paid the filing fee and filed a complaint in November 2013.<sup>1</sup> Unfortunately, that is where this case stalled because plaintiff never properly served the defendants. Magistrate Judge Nancy Koppe generously outlined for Ajuziem the procedures to effectuate service and urged him to contact the Legal Aid Center or take advantage of the Federal Court Ask-a-Lawyer program.<sup>2</sup> When it was clear that this case was still languishing without service, Magistrate Judge Koppe ordered plaintiff to show cause why this case should not be dismissed under FRCP 4(m) for failure to serve the defendants.<sup>3</sup> Because plaintiff was unable to show that the complaint was served, Magistrate Judge Koppe concluded that plaintiff did not discharge his obligations under the order to show cause, and she now recommends that I dismiss this case without prejudice under FRCP 4(m).<sup>4</sup> Ajuziem objects.<sup>5</sup>

When a party files specific written objections to a United States magistrate judge's

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<sup>1</sup> ECF 15.

<sup>2</sup> ECF 35.

<sup>3</sup> ECF 40.

<sup>4</sup> ECF 42.

<sup>5</sup> ECF 43.

findings and recommendations,<sup>6</sup> the district court must conduct a de novo review of those portions of the report to which objections are made.<sup>7</sup> The court may accept, reject, or modify, in whole or in part, the magistrate judge's findings and recommendations.<sup>8</sup>

In his objection, Ajuziem offers various reasons that he believes that the EEOC is aware of his concerns,<sup>9</sup> but he does not address—and he does not cure—the glaring deficiency in this case: his failure to demonstrate that he has served a copy of his complaint on the defendants as the rules of this court require.<sup>10</sup>

Having reviewed Magistrate Judge Koppe's report and recommendation de novo, I agree with her findings and conclusions and adopt her recommendation. Accordingly, with good cause appearing and no reason for delay, it is hereby ORDERED, ADJUDGED, AND DECREED that **Magistrate Judge Koppe's Report and Recommendation [ECF 42] is ADOPTED** in its entirety, **and plaintiff's objections [ECF 43] are OVERRULED**;

IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that **this case is DISMISSED** without prejudice under FRCP 4(m). **The Clerk of Court is directed to CLOSE THIS CASE.**

Dated this 19th day of January, 2016

  
Jennifer A. Dorsey  
United States District Judge

<sup>6</sup> 28 U.S.C. § 636(b); LR. IB 3-2.

<sup>7</sup> *Id.*

<sup>8</sup> *Id.*

<sup>9</sup> ECF 43.

<sup>10</sup> *See* ECF 40, 43; Fed. R. Civ. P. 4(c)(1), 4(j), and 4(m) (requiring a plaintiff to serve the defendant with a copy of the summons and complaint within 120 days after the complaint is filed).